

MARCH 15, 1993

THE ACTING DIRECTOR OF THE DIVISION OF STATE LANDS & FORESTRY TOOK FORMAL ACTION ON MARCH 15, 1993, AT 9:30 A.M. IN THE DIVISION OF STATE LANDS & FORESTRY OFFICE, 355 WEST NORTH TEMPLE, 3 TRIAD CENTER, SUITE 400, SALT LAKE CITY, UTAH 84180-1204, ON THE BELOW LISTED MINERAL AND SURFACE BUSINESS MATTERS AS INDICATED.

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SURFACE ESTATE BUSINESS MATTERS

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GRAZING PERMITS

CANCELLATION OF GRAZING PERMIT NO. GP 21874

GP 21874, AK Kearl Ranch, Box 67, Laketown, Utah 84038, is being cancelled so that the Division can combine the lands and AUMs into GP 22143 which is up for renewal and also their permit. The permits are both within the North Rich Cattle Assoc. Forest Service Federal allotment. For management purposes the Division is combining the two permits. No fees will be assessed since this is at the request of the Division.

Upon the recommendation of Ms. Wardle, Mr. Kappe approved the cancellation of GP 21874.

CANCELLATION OF GRAZING PERMIT NO. GP 20566

GP 20566, Sherie Rae Goring, 9940 North HWY 69, Dewyville, Utah 84309, is being cancelled so that the Division can combine the lands and AUMS into GP 22068 which is also her permit and up for renewal. In a letter dated March 4, 1993, Bill Baker, Bureau of Land Management, Wells Resource Area, Elko, Nevada, notified our office that GP 20566 and GP 22068 are both within the Silver Island (Crater) BLM allotment. For management purposes the Division is combining the two permits. No fees will be assessed since this is at the request of the Division.

Upon recommendation of Ms. Wardle, Mr. Kappe approved the cancellation of GP 20566.

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GRAZING PERMITS

CANCELLATION OF GP 20233, GP 20952, GP 21983

The permittee of the above-referenced grazing permits is Ray Wilcox & Sons, PO Box 139, Green River, Utah 84525. The Division is requesting the above-referenced grazing permits be canceled, and the lands consolidated into GP 22386, which is the same permittee. GP 22386 is up for renewal and the canceled lands will be added at this time. This consolidation is being done for management purposes because the lands are in close proximity and have small AUM amounts. No fees will be assessed since this is at the request of the Division.

Upon the recommendation of Ms. Wardle, Mr. Kappe approved the cancellation of GP 20233, GP 20952 and GP 21983.

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EASEMENTS

EASEMENT NO. 156

APPLICANT'S NAME AND ADDRESS

GRAND COUNTY ROAD DEPARTMENT
125 E. CENTER STREET
MOAB, UT 84532

LEGAL DESCRIPTION:

Township 20 South, Range 16 East, SLB&M

Section 21: A right of way 66 feet in width and 1,973.90 feet in length, being 33 feet on each side of the following described survey line.

Beginning at a point on the north line NW1/4NE1/4 of Section 21, said point bears South 89°59'00" West 293.38 feet from the northeast corner of NW1/4NE1/4 of said Section 21, and proceeding thence South 27°04'42" East 395.58 feet, thence along a 1764.21 feet radius curve to the left 223.24 feet to a point on the east line NW1/4NE1/4 of said Section 21. Said point bears South 0°03'47" East 544.12 feet from the NE corner of NW1/4NE1/4 of Section 21, containing .94 acres, more or less.

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EASEMENTS (CONT'D)

EASEMENT NO. 156 (cont'd)

Beginning at a point on the south line SE1/4NE1/4 of Section 21, said point bears South 89°53'16" West 747.43 feet from the east 1/4 corner of said Section 21, and proceeding North 6°35'48" East 751.39 feet, thence along a 903.60 feet radius curve to the left 603.81 feet to a point on the north line of SE1/4NE1/4 of said section 21. Said point bears South 89°56'08" West 787.68 feet from the NE corner of the SE1/4NE1/4 of Section 21, containing 2.05 acres more or less.

COUNTY: GRAND ACRES: 2.99 FUND: MINERS/RESERVOIRS

PROPOSED ACTION:

The applicant is requesting an easement for a new road. This easement will be 66 feet wide and 1973.90 feet in length across state trust land.

RELEVANT FACTUAL BACKGROUND:

The applicant is proposing to build a new road near Tusher Canyon north of the City of Green River. This easement will be 66 feet wide and 1973.90 feet in length.

CRITERIA FOR EVALUATION

R640-100-200(1)(a) requires that one or more of the following plans be implemented:

- (i) General management plans
- (ii) Comprehensive management plans
- (iii) Site-specific plans
- (iv) Resource plans

EASEMENTS (CONT'D)

EASEMENT NO. 156 (cont'd)

R640-100-300 gives the Division guidance as to what type of plan should be required. Paragraph 2 of this rule indicates that site-specific planning is initiated either by:

- (a) an application for a trust land use or a sovereign land use, or
- (b) the identification by the Division of an opportunity for commercial gain in a specific area.

A site-specific plan is defined in R640-1-2 as follows:

Plans prepared for state lands which provide direction for specific actions. Site-specific plans shall include, but not be limited to:

- 1. Records of Decision in either summary or narrative form.
- 2. Board action that designates specific parcels of land for specific use(s) or designations.

Easements are excluded from the narrative record of decision process if all of the following four conditions exist:

- 1. The proposed easement is not located entirely on State land or, if it is located entirely on State land, it is located in an existing corridor.
- 2. The proposed easement term is 30 years or less.
- 3. The applicant has paid the fee determined by the Division.
- 4. The proposed easement will not have an unreasonably adverse affect on the developability or marketability of the subject property.

EASEMENTS (CONT'D)

EASEMENT NO. 156 (cont'd)

R640-100-400(1) requires the Division, when conducting site-specific planning, to consider:

- (a) a comparative evaluation of the commercial gain potential of the proposed use with competing or existing uses;
- (b) the effect of the proposed use on adjoining state lands;
- (c) an evaluation of the proposed use or action with regard to natural and cultural resources, if appropriate;
- (d) the notification of, and environmental analysis of, the proposed use provided by the public, federal, state, and municipal agencies through the Resource Development Coordinating Committee (RDCC) process; and
- (e) any further notification and evaluation (i.e. cultural resource surveys, appraisals to determine fair market value, etc.) as required by applicable rules.

Easement charges are determined pursuant to R640-40-600:

The Board may annually establish minimum fees for easements based on the cost incurred by the division in administering the easement and the fair-market value of the particular use. The division shall determine the use fee based on comparable fees for similar uses on properties having similar physical, geographical or ownership characteristics, or the annually specified minimum for the particular use; however, no fee shall be established for easements which is less than 80 percent of the appraised value of the property involved, except in the case of roads where no fee shall be established which is less than 100 percent of the appraised value of the property involved.

EASEMENTS (CONT'D)

EASEMENT NO. 156 (cont'd)

EVALUATION OF FACTS:

R640-100-300 discusses four types of plans, one of which is a site-specific plan. The site-specific plan in this case was initiated by an application for a trust land use.

A summary of the criteria considered in this site-specific plan is as follows:

- a. There is no other proposed use(s) that would generate a higher economic return. The proposed easement will return the highest economic benefit for all current uses.
- b. The proposed use will not have an adverse effect on the adjoining property.
- c. A cultural resource survey was required and completed as requested from the Division of State History.

- d. RDCC provided the following comments:

The Division of Wildlife Resources indicated concern dealing with a variety of wildlife species including Rocky Mountain Bighorn Sheep, elk, deer, antelope and raptors. DWR stated that this was a yearlong elk, deer and antelope habitat and associated ground and vegetation disturbance may create potential impacts to local wildlife populations.

The Division response indicated that their recommendations and concerns would be passed on to the applicant.

- e. Public notice of this proposal did not elicit any comments.

The proposed easement is not located entirely on state land, and is not located in an existing easement corridor. The easement will be for a term of thirty years, and the applicant has paid the indicated fees. As far as staff has been able to determine, there will be no adverse effect on the marketability or developability of the subject property. This summary will constitute the record of decision.

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EASEMENTS (CONT'D)

EASEMENT NO. 156 (cont'd)

The standard fee for a 66 foot wide new road is \$15.00/rod. Preliminary modeling indicates the property would have to be worth more than \$750.00 per acre in order to exceed the per rod rate. The land value in this area is estimated to be worth less than \$500.00/acre based on comparable sales in this area. Therefore, the per rod rate will be used to determine the easement fee. Based on the \$15.00/rod rate and a length of 119.63 rods, the easement fee will be \$1,794.45 (119.63 rods x \$15.00). The applicant has paid this amount.

Upon recommendation of Mr. Parmenter, the Acting Director, Kevin Carter, approved the above-described application for an easement with the fee being \$1,794.45 plus a \$50.00 application fee, and a \$20.00 administrative fee being assessed every three years beginning January 1, 1996.

EASEMENT NO. 179

APPLICANT'S NAME AND ADDRESS

PACIFICORP, dba UTAH POWER & LIGHT CO.
1407 WEST NORTH TEMPLE, SUITE 110
SALT LAKE CITY, UT 84140

LEGAL DESCRIPTION:

Township 21 South, Range 16 East, SLB&M
Sec. 11 & 14:

A right of way 25 feet in width and 2952 feet in length, being 12.5 feet on each side of the following described survey line.

Beginning on the east boundary line of the Grantor's land at a point 285 feet south, more or less, along the section line from the northeast corner of Section 14, thence North 67°52' West 2952 feet, more or less, to the west boundary line of said land and being in the NE1/4 of the NE1/4 of said Section 14 and the S1/2 of the SE1/4 of Section 11, Township and Range aforesaid.

COUNTY: GRAND ACRES: 1.69 FUND: MINER'S

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EASEMENTS (CONT'D)

EASEMENT NO. 179 (cont'd)

PROPOSED ACTION:

The applicant is requesting an easement for a 12.5 KV Distribution line for the above-described location. The easement will be 25 feet in width and 2952 feet in length.

RELEVANT FACTUAL BACKGROUND:

The applicant is proposing to install a 12.5 KV Distribution powerline near the City of Green River. This easement will be 25 feet wide and 2952 feet in length.

CRITERIA FOR EVALUATION

R640-100-200(1)(a) requires that one or more of the following plans be implemented:

- (i) General management plans
- (ii) Comprehensive management plans
- (iii) Site-specific plans
- (iv) Resource plans

R640-100-300 gives the Division guidance as to what type of plan should be required. Paragraph 2 of this rule indicates that site-specific planning is initiated either by:

- (a) an application for a trust land use or a sovereign land use, or
- (b) the identification by the Division of an opportunity for commercial gain in a specific area.

A site-specific plan is defined in R640-1-2 as follows:

EASEMENTS (CONT'D)

EASEMENT NO. 179 (cont'd)

Plans prepared for state lands which provide direction for specific actions. Site-specific plans shall include, but not be limited to:

1. Records of Decision in either summary or narrative form.
2. Board action that designates specific parcels of land for specific use(s) or designations.

Easements are excluded from the narrative record of decision process if all of the following four conditions exist:

1. The proposed easement is not located entirely on State land or, if it is located entirely on State land, it is located in an existing corridor.
2. The proposed easement term is 30 years or less.
3. The applicant has paid the fee determined by the Division.
4. The proposed easement will not have an unreasonably adverse affect on the developability or marketability of the subject property.

R640-100-400(1) requires the Division, when conducting site-specific planning, to consider:

- (a) a comparative evaluation of the commercial gain potential of the proposed use with competing or existing uses;
- (b) the effect of the proposed use on adjoining state lands;
- (c) an evaluation of the proposed use or action with regard to natural and cultural resources, if appropriate;
- (d) the notification of, and environmental analysis of, the proposed use provided by the public, federal, state, and municipal agencies through the Resource Development Coordinating Committee (RDCC) process; and
- (e) any further notification and evaluation (i.e. cultural resource surveys, appraisals to determine fair market value, etc.) as required by applicable rules.

Easement charges are determined pursuant to R640-40-600:

EASEMENTS (CONT'D)

EASEMENT NO. 179 (cont'd)

The Board may annually establish minimum fees for easements based on the cost incurred by the division in administering the easement and the fair-market value of the particular use. The division shall determine the use fee based on comparable fees for similar uses on properties having similar physical, geographical or ownership characteristics, or the annually specified minimum for the particular use; however, no fee shall be established for easements which is less than 80 percent of the appraised value of the property involved, except in the case of roads where no fee shall be established which is less than 100 percent of the appraised value of the property involved.

EVALUATION OF FACTS:

R640-100-300 discusses four types of plans, one of which is a site-specific plan. The site-specific plan in this case was initiated by an application for a trust land use.

A summary of the criteria considered in this site-specific plan is as follows:

- a. There is no other proposed use(s) that would generate a higher economic return. The proposed easement will return the highest economic benefit for all current uses.
- b. The proposed use will not have an adverse effect on the adjoining property.
- c. A cultural resource survey was required and completed as requested from the Division of State History.
- d. The following entities provided the comments below:

The Division of Wildlife Resources indicated concern dealing with raptor electrocution and the proposed powerline is in an area inhabited by a variety of raptors. DWR provided a design diagram for the construction of perches which will significantly reduce the incidence of electrocution of raptors. They also recommended revegetation of disturbed areas in a timely fashion.

The Division response indicated that their recommendations and concerns would be passed on to the applicant.

EASEMENTS (CONT'D)

EASEMENT NO. 179 (cont'd)

The Utah Natural Heritage Program was contacted and they responded by stating there were no known occurrences of special status plant species in the area.

- e. Public notice of this proposal did not elicit any comments.

The proposed easement is not located entirely on state land, and is not located in an existing easement corridor. The easement will be for a term of thirty years, and the applicant has paid the indicated fees. As far as staff has been able to determine, there will be no adverse effect on the marketability or developability of the subject property. This summary will constitute the record of decision.

The standard fee for a 25 foot wide power distribution line is \$12.00/rod. Preliminary modeling indicates the property would have to be worth more than \$1,584.00 per acre in order to exceed the per rod rate. The land value in this area is estimated to be worth less than \$750.00/acre based on comparable sales in this area. Therefore, the per rod rate will be used to determine the easement fee. Based on the \$12.00/rod rate and a length of 178.91 rods, the easement fee will be \$2,146.91 (178.91 rods x \$12.00). The applicant has paid this amount.

Upon recommendation of Mr. Parmenter, the Acting Director, Kevin Carter, approved the above-described application for an easement with the fee being \$2,146.91 plus a \$50.00 application fee, and a \$20.00 administrative fee being assessed every three years beginning January 1, 1996. An advertising deposit was received in the amount of \$60.00 by the Division. Only a portion of these funds (\$48.60) were used and the balance (\$11.40) is to be returned to the applicant.

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SPECIAL USE LEASES

SPECIAL USE LEASE NO. 959

Crawford Communication
960 North 1620 West
Orem, Utah 84057

LEGAL DESCRIPTION:

TOWNSHIP 6 SOUTH, RANGE 1 WEST, SLB&M
Section 22: Within SE4SE4

Commencing at a point located N 757.37 ft. and West 1043.95 ft. from the SE corner of Sec. 22, T6S, R1W, SLB&M (Basis of Bearing is the Utah State Plane Coordinate System, Central Zone); thence South 66°24'46" West 100.00 ft.; thence N 23°35'14" West 125.00 ft.; thence North 66°24'46" East 100.00 ft.; thence South 23°35'14" East 125.00 ft. to the pob.

Coordinates of the site are:
Longitude: 111°56'00"
Latitude: 40°16'42"

COUNTY: UTAH ACRES: 0.287 FUND: SCHOOL

PROPOSED ACTION:

The applicant is requesting a telecommunication site lease to be used in association with business communication activities.

RELEVANT FACTUAL BACKGROUND:

On July 27, 1992, the Division received an application for a telecommunication site to be located west of Utah Lake on the summit of Lake Mountain. On August 5, 1992, a \$100.00 application fee was received and receipted under 93-529. The proposed lease is on a site that, on October 10, 1986, was designated and approved by the Board of State Lands and Forestry as a telecommunication site location. Because review by local government and Resource Development Coordinating Committee (RDCC) was completed in 1986, a review by RDCC was not solicited. In a February 18, 1993 memorandum Mr. Karl Kappe, Acting Trust and Asset Unit Manager, indicated that no cultural survey will be required for the site.

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SPECIAL USE LEASES (CONT'D)

SPECIAL USE LEASE NO. 959 (cont'd)

CRITERIA FOR EVALUATION:

R640-100-200(1)(a) requires that one or more of the following plans be implemented:

- (i) General management plans
- (ii) Comprehensive management plans
- (iii) Site-specific plans
- (iv) Resource plans

R640-100-300 gives the Division guidance as to what type of plan should be required. Paragraph 2 of this rule indicates that site-specific planning is initiated either by:

- (a) an application for a trust land use or a sovereign land use, or
- (b) the identification by the Division of an opportunity for commercial gain in a specific area.

A site-specific plan is defined in R640-1-2 as follows:

Plans prepared for state lands which provide direction for specific actions. Site-specific plans shall include, but not be limited to:

- 1. Records of Decision in either summary or narrative form.
- 2. Board action that designates specific parcels of land for specific use(s) or designation.

Telecommunication site leases are exempt from the narrative record of decision process if the following conditions are met:

- 1. They are within an approved telecommunication site location.
- 2. No negative comments are received from current users at the location.

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SPECIAL USE LEASES (CONT'D)

SPECIAL USE LEASE NO. 959 (cont'd)

EVALUATION OF FACTS:

R640-100-200 discusses four types of plans, one of which is a site-specific plan. The site-specific plan, in this case, was initiated by an application for a trust land use, as indicated in R640-100-300. This rule also indicates that these site-specific plans can either be a summary or narrative form. As indicated above, this type of lease is exempt from the narrative Record of Decision process if the site is within an approved location, which this site is. It was approved by the Board of State lands and Forestry as a telecommunication site location on October 10, 1986.

A copy of the "State of Utah-Land Division applicant Questionnaire" was sent to current site users. The only response came from the FAA. Following their review of supplemental information, the FAA sent a letter indicating they concur with the Crawford Communication proposal.

On March 9, 1993, a bid proposal was received from the applicant in which he submitted the first year lease payment in the amount of \$2,250.00.

The minimum fee for this type of telecommunication site is \$1,905.00 per year. The actual site will be less than .30 acres in size. Based on the above evaluation, this summary will constitute the Record of Decision.

Upon the recommendation of Mr. Tripp, the Acting Director, Kevin Carter, approved SULA 959 with a yearly fee of \$2,250.00, plus a \$100.00 application fee. The lease term is twenty (20) years with a five-year review clause.

EXPIRATION OF SULA 771

The above-referenced special use lease, issued to Ken Guest, 7124 West Highway 30, Peterboro, Utah 84325, expired on October 31, 1992. The lessee still has need of the parcel for his recreational business, and has secured use of the property under ROE 3642. Because the parcel is part of the proposed forest service exchange, a right of entry was used instead of a SULA.

Upon recommendation of Mr. Tripp, the Acting Director, Kevin Carter, noted the expiration of the above-described SULA. Said expiration should be noted on the records of the Division.

SPECIAL USE LEASES (CONT'D)

SPECIAL USE LEASE AGREEMENT NO. 669 (THREE-YEAR REVIEW):

SULA No. 669 is leased to Leo Jackson, RFD 5, Caneville, Utah, VIA Torrey, Ut 84775.

ANNUAL RENTAL:
The three-year review date for this lease is April 1, 1993. The subject property is used for agricultural purposes, i.e. irrigated pasture. Based upon the Board-approved minimum for this type of lease, it is recommended that the lease fee be increased from \$366/year to \$400/year effective April 1, 1993. A notice was sent to the lessee and no response was received.

New lease fee, \$400.00, divided by the acres in lease, 18.3 = \$21.86/acre.

DUE DILIGENCE:
The development allowed by the lease has occurred. It is recommended that the lease be kept in force.

PROPER USE:
The leased premises are being used in accordance with the lease agreement.

ADEQUATE BOND COVERAGE:
A bond was not required.

ESTABLISHMENT OF WATER RIGHTS:
There are no water rights associated with this lease.

POLLUTION AND SANITATION REGULATIONS:
The lessee is in compliance with the pollution, sanitation and waste provisions of the lease.

NEXT THREE-YEAR REVIEW DATE:
April 1, 1996.

Upon Mr. Brown's recommendation, the Acting Director, Kevin Carter, approved the three-year review for SULA 669.

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RIGHTS OF ENTRY

RIGHT OF ENTRY NO. 3652

On March 8, 1993, Mr. Jan Parmenter, S.E. Area Land Specialist, pursuant to R640-41-200, and in accordance with direction and delegation of authority, approved the request of Kirwin Communications, P.O. Box 3313, Park City, UT 84060, for commercial still photography on the following described state land:

T27S, R21E SLB&M San Juan Co.
Sec. 4, 5, 8, 9: Within

T27S, R25E SLB&M
Sec. 31: Within

The fee for this right of entry is \$100/day @ 3 days equals \$300.00, plus a \$50.00 application fee totaling \$350.00; school and university funds. San Juan County.

In accordance with direction and delegation of authority from Mr. Storey, Mr. Parmenter approved Right of Entry No. 3652 with an expiration date of March 12, 1993.

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MATERIAL PERMITS

MP 93 & MP 94 (APPLICATION WITHDRAWN - REFUND OF RENTALS)

These materials permit applications were filed by SK Hart Engineering, 175 South West Temple, Suite 500, Salt Lake City, Utah 84101, on February 21, 1989. On December 27, 1989, the Division received a letter requesting "Application MP 93 and MP 94 should be dropped from any further action by the Division". The \$400.00 from MP 93 and \$200.00 from MP 94 (\$600.00 total) in rentals paid at the time of application should be refunded to the applicant. The \$40.00 (2 X \$20.00) in application fees are forfeited to the State.

Upon the recommendation of Mr. Tripp, the Acting Director, Kevin Carter, approved the cancellation of the applications and the refund of the rentals.

MATERIAL PERMITS

EXPIRATION OF MP 71

The above-numbered material permit, issued to Utah Department of Transportation, 4501 South 2700 West, West Valley City, Utah 84119, expired its term on June 1, 1992. The permittee was notified of this expiration and responded with an application for a new permit.

Upon recommendation of Mr. Tripp, the Acting Director, Kevin Carter, noted the expiration of MP 71. Said expiration should be noted on the records of the Division.

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SALES

ASSIGNMENT OF CERTIFICATE OF SALE NO. 24297

Henry C. and Debra Kirkpatrick, 1009 Walnut Ave., Grand Junction, CO 81501, owners of the above certificate of sale, request permission to assign 100% of their interest to Brian McCullough and Kara Hartmann, P.O.Box 902, Moab, UT 84532. The \$20.00 assignment fee has been submitted.

Upon recommendation from Mr. Wilcox, the Acting Director, Kevin Carter, approved the assignment of Certificate of Sale No. 24297.

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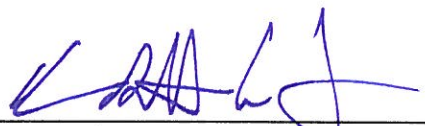
CANCELLED MINERAL LEASES

<u>NAME</u>	<u>ACCOUNT NO.</u>	<u>TYPE</u>
Prodco Inc. et al	ML 28048	OGH
Phelps Dodge Molybdenum	ML 32473	MM
Cluff Oil Inc.	ML 44258	OGH
Cluff Oil Inc.	ML 44259	OGH
Cluff Oil Inc.	ML 44261	OGH
Cluff Oil Inc.	ML 44266	OGH
Scott J. Hill	ML 44679	MM
Marvin Wolf et al	ML 44689	OGH
Gerald T. Russo	ML 45152	BSLS
Centurion Mines Corp.	ML 45153	MM
Centurion Mines Corp.	ML 45154	MM
Coastal States Energy Inc.	ML 45511	OGH
Coastal States Energy Inc.	ML 45512	OGH
Coastal States Energy Inc.	ML 45513	OGH
Coastal States Energy Inc.	ML 45514	OGH
MLF Properties	ML 45515	OGH

Upon recommendation of Mr. Johnson, the Acting Director, Kevin Carter,
approved the cancellation of the above-listed mineral leases.

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<u>INTEREST RATE</u>	<u>CURRENT YEAR</u>	<u>YEAR AGO</u>
Base Rate	6.00	6.50



KEVIN CARTER, ACTING DIRECTOR
DIVISION OF STATE LANDS & FORESTRY



CANDEE H. PENMAN, SECRETARY

ARCHIVES APPROVAL NO. 7900209